

B**RECOGNIZANCE**

Va. Code §§ 19.2-123, 19.2-143, 19.2-258

Dec 13, 2013 11:00 AM

HEARING DATE AND TIME

Norfolk GEN DIST - TRAFFIC
COURT - CITY OR COUNTY811 East City Hall Avenue, Norfolk, VA 23510-2772
COURT - STREET ADDRESS☒ Commonwealth of Virginia v. Underwood, Gregory Dwight
DEFENDANT - NAME (LAST, FIRST, MIDDLE)☐

Norfolk, VA 23504

DEFENDANT - RESIDENTIAL ADDRESS AND TELEPHONE NUMBER

Mailing address: ☒ Same as above OR ☐

I certify that this document contains my current mailing address.

CHARGES(s):

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
712GM1300005183	DWI-5413-M1	18.2-266	
	DWI: 1ST OFFENSE		
712GM1300005185	WPN-5203-M1	18.2-308.012	
	CONCEALED WEAPON: CARRY WHILE INTOXICATED		

☐ Addendum listing additional charges is attached and incorporated.

I, **THE DEFENDANT**, as a condition of my release from custody, by signing this form, promise to appear in court on the date and time noted above. If this date, time or place is changed for any reason by any court or judge, I also promise to appear as so directed. I understand that I ☒ may ☐ may not leave the Commonwealth of Virginia until my case, and any appeals in my case, are finished. I further agree to keep the peace and be of good behavior and agree to the conditions listed below.



I, THE DEFENDANT, UNDERSTAND THAT: (1) If I fail to obey the conditions, I may be ARRESTED and, bail may be revoked; (2) if I fail to appear, the court may try and convict me in my absence; (3) if I fail to appear in the Circuit Court on a misdemeanor charge, I give up my right to a jury trial; (4) failure to appear is a separate crime; (5) I must promptly notify the court of any change in my mailing address or where I live while this case is pending.

SIGNATURE OF DEFENDANT

10/24/2013

DATE

WARRANT OF ARREST—MISDEMEANOR (STATE)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Norfolk

CITY OR COUNTY

☒ General District Court ☐ Criminal ☒ Traffic

☐ Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 10/23/2013 did unlawfully in violation of Section

DATE

18.2-266

drive or operate a motor vehicle while having a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath; or while under the influence of alcohol; or while under the influence of a narcotic drug or other self-administered intoxicant or drug, or a combination of drugs, to a degree which impaired the accused's ability to drive or operate a motor vehicle safely; or while under the combined influence of alcohol and a drug or drugs to a degree which impaired the accused's ability to drive or operate a motor vehicle safely.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Ogden, J VSP 6718

Complainant.

Execution by summons ☐ permitted at officer's discretion. ☒ not permitted.

10/23/2013 11:55 PM

DATE AND TIME ISSUED

☐ CLERK ☒ MAGISTRATE ☐ JUDGE
Walter A. Liffick

CCRE May be Required

CASE NO. GC13001505

ACCUSED:

Underwood, Gregory Dwright

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS/LOCATION

Norfolk, VA 23504

To be completed upon service as Summons

Mailing address ☐ Same as above

☐

RACE	SEX	BORN	MO.	DAY	YR.	HT.	WT.	EYES	HAIR
B	M	06/30/1955	5	08	185	BRO	GRY		

SSN

DL#

A24-60-0102

STATE

VA

☐ Commercial Driver's License

CLASS 1 MISDEMEANOR

☒ EXECUTED by arresting the Accused named above on this day:

☐ EXECUTED by summoning the Accused named above on this day:

☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

102413 0007

DATE AND TIME OF SERVICE

10/23/2013 11:55 PM

ARRESTING OFFICER

2767 VSP STATE

BADGE NO., AGENCY AND JURISDICTION

for

SERVICES

Attorney for the Accused:

Short Offense Description (not a legal definition):

DWI: 1ST OFFENSE

Offense Tracking Number:

712GM1300005183

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

DWI-5413-M1

STATE

WARRANT OF ARREST—MISDEMEANOR (STATE)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Norfolk

CITY OR COUNTY

☒ General District Court ☐ Criminal ☒ Traffic
☐ Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 10/23/2013 did unlawfully in violation of Section _____ DATE

18.2-308.012

while being a person permitted to carry a concealed handgun, carry a concealed handgun in a public place while under the influence of alcohol or illegal drugs. Code of Virginia: _____

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of _____

Ogden, J VSP 6718

_____, Complainant.

Execution by summons ☐ permitted at officer's discretion. ☒ not permitted.

10/23/2013 11:57 PM

DATE AND TIME ISSUED

Walter A. Liffick
Walter A. Liffick

☐ CLERK ☒ MAGISTRATE ☐ JUDGE

CCRE May be Required

CASE NO. GC13001506

ACCUSED:

Underwood, Gregory Dwright

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS/LOCATION

Norfolk, VA 23504

To be completed upon service as Summons

Mailing address ☐ Same as above

☐

RACE	SEX	BORN	MO.	DAY	YR.	HT.	WGT.	EYES	HAIR
B	M	06/30/1955	5	08	185	185	185	185	GRY

SSN

DL#

A24-60-0102

STATE

VA

☐ Commercial Driver's License

CLASS 1 MISDEMEANOR

☒ EXECUTED by arresting the Accused named above on this day:

☐ EXECUTED by summoning the Accused named above on this day:

☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

10.24.13

DATE AND TIME OF SERVICE

10.24.13

ARRESTING OFFICER

5767 VSR STATE

BADGE NO., AGENCY AND JURISDICTION

for

SHERIFF

Attorney for the Accused:

Short Offense Description (not a legal definition):

CONCEALED WEAPON: CARRY WHILE INTOXICATED

Offense Tracking Number:

712GM1300005185

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

WPN-5203-M1

Norfolk

CITY OR COUNTY

[x] General District Court [] Juvenile and Domestic Relations District Court

811 East City Hall Avenue Norfolk, VA 23510-2772

STREET ADDRESS OF COURT

[x] Commonwealth of Virginia [] City [] County [] Town of

TO THE ACCUSED:

You are hereby commanded to appear before this Court on

Dec 13, 2013 11:00 AM to answer the charge that on or about 10/23/2013

DATE AND TIME OF HEARING

DATE

within this [] Town of [] CITY [] COUNTY you did unlawfully after having been arrested for a violation of §§18.2-51.4, 18.2-266, §18.2-272, or of a similar ordinance of any county, city or town, unreasonably refuse to permit a sample of blood or breath to be taken to determine the alcohol or drug or both drug and alcohol content of the blood.

in violation of Section 18.2-268.3

[x] Code of Virginia (OR)

[] Ordinances of this City, County or Town. YOU MUST APPEAR in court at the time and place shown above and appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear for a misdemeanor charge is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of Ogden, J VSP 6718, Complainant.

10/23/2013 11:56 PM

DATE AND TIME ISSUED

Walter A. Liffick

[] CLERK [x] MAGISTRATE [] JUDGE

Walter A. Liffick

CASE NO. GC130001507

ACCUSED:

Underwood, Gregory Dwight

LAST NAME, FIRST NAME, MIDDLE NAME

Norfolk, VA 23504

ADDRESS/LOCATION

To be completed upon service as Summons

Mailing address [] Same as above

[]

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
B	M	06/30/1955	5' 08"	185	BRO	GRY

SSN

DL#

A24-60-0102

STATE

VA

[] Commercial Driver's License

CLASS MISDEMEANOR

EXECUTED by delivering a true copy of this summons to the Accused in person today.

[] For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

[] The Accused certified to me the above mailing address.

10-24-13 0607

DATE AND TIME OF SERVICE

ARRESTING OFFICER

STATE

BADGE NO., AGENCY AND JURISDICTION

for

STREET

Attorney for the Accused:

Short Offense Description (not a legal definition): REFUSAL OF BLOOD OR BREATH TEST, 1ST OFF

Offense Tracking Number:

712GM1300005184

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

DWI-5439-19

SUMMONS

S

Dec 13, 2013

11:00 AM

Hearing Date/Time

**DECLARATION AND ACKNOWLEDGMENT OF REFUSAL — BREATH/BLOOD TEST
(MOTOR VEHICLES GENERALLY)**

Commonwealth of Virginia Va. Code § 18.2-268.3

INFORMATION ABOUT CONSEQUENCES OF REFUSAL

The Code of Virginia provides that if you, whether licensed by Virginia or not, operate a motor vehicle upon a highway in the Commonwealth and are arrested for a drug or alcohol-related driving offense in violation of §§ 18.2-51.4, 18.2-266, 18.2-266.1 or 18.2-272 (B) or of a similar ordinance if arrested within three hours of the alleged offense, you shall be deemed to have agreed, as a condition of such operation, to consent to have a sample of breath, blood, or both breath and blood taken for chemical testing to determine the alcohol and/or drug content of your blood. You shall submit to a breath test. If the breath test is unavailable or you are physically unable to submit to the breath test, a blood test shall be given. If the arresting officer has reasonable cause to believe that you were driving under the influence of drugs or a combination of drugs and alcohol, you may be required to allow the taking of a blood sample for chemical testing to determine the drug content of your blood, even if a breath sample was previously provided.

If you refuse to permit the taking of a required sample of breath, blood, or both breath and blood, and your refusal is unreasonable, your refusal constitutes a separate offense. A first violation of this section is a civil offense and subsequent violations are criminal offenses.

A finding of a first offense of unreasonable refusal shall result in the revocation of your privilege of operating a motor vehicle upon the highways of the Commonwealth for a period of one year. This suspension period is in addition to the suspension period provided under § 46.2-391.2.

A conviction of unreasonable refusal within 10 years of a prior conviction of driving while intoxicated or unreasonable refusal will result in finding you guilty of a Class 2 misdemeanor, which is punishable by confinement in jail for not more than six months and a fine of not more than \$1,000, either or both, and will also result in the court suspending your privilege to drive for a period of three years.

A conviction of unreasonable refusal within 10 years of any two prior convictions of driving while intoxicated or unreasonable refusal will result in finding you guilty of a Class 1 misdemeanor, which is punishable by confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both, and will also result in the court suspending your privilege to drive for a period of three years.

If it is found that you unreasonably refused to consent to a breath test or blood test, that finding may be admitted as evidence in a criminal trial for a violation of §§ 18.2-51.4, 18.2-266, 18.2-266.1 or 18.2-272 (B) or similar ordinance for the purpose of explaining the absence at trial of a chemical test of such sample or for the purpose of rebuttal. When admitted in a criminal trial for a violation of §§ 18.2-51.4, 18.2-266, 18.2-266.1 or 18.2-272 (B) or similar ordinance this evidence will not be considered as evidence of your guilt.

DECLARATION AND ACKNOWLEDGMENT OF ARRESTING OFFICER

I, JAMES OLIVER GORDON, an arresting officer in the CITY County/Town of STAFF

NAME

NOANFOUR

, Virginia, do hereby certify that I have read this form to

GREGORY DWIGHT UNDERWOOD

PERSON ARRESTED

, who has been arrested pursuant to Virginia Code §§ 18.2-51.4, 18.2-266, 18.2-266.1, or 18.2-272 (B), or a similar ordinance, and who, after having this form read to him has refused to permit the taking of a breath and/or blood sample.

[] The person arrested has been convicted of _____ violation(s) of §§ 18.2-266, 18.2-268.3, or any offense described in 18.2-270 (E) within the last 10 years.

NUMBER OF CONVICTIONS

10-23-13

DATE

SIGNATURE OF ARRESTING OFFICER

The arresting officer acknowledged under oath before me that he or she had read this form to the person named above.

10-23-13 1132pm

DATE

Walter A. Lippick

MAGISTRATE

CHECKLIST FOR BAIL DETERMINATION

Commonwealth of Virginia

Name of Accused: Underwood, Gregory Dwight

Nature and Circumstances of the Offense: 18.2-266 18.2-308.012, 18.2-268.3 (CIVIL)

Weight of the Evidence: TROOPER - OBSERVED AS MW CROSS COMES IN A WORK ZONE - TRAFFIC STOP MADE -

Length of Time in the Community: 20yrs

Place of Employment: CA NORFOLK 5yrs How long: ATTN SIN 1987

Family Ties: Wife, SON X 1, Daughter X 1, (7 CHILDREN GRANDS)

Involvement in Education: JD

Financial Resources: Wells Fargo - own home

Pending Charges: A - NO

Was a firearm allegedly used in the offense? No ☐ Yes ☒

Currently on probation or parole? No ☒ Yes ☐

Prior criminal record: A - NO NO-COH RETURNED FROM NCIC/VCID.

Valid VA Driver's OL w/ +5pts

☐ Presumption pursuant to Virginia Code § 19.2-120 applies and has not been rebutted.

☐ Bail was not set by a judge, the presumption set forth in § 19.2-120 (B) or (C) applies and has been rebutted, and an attorney for the Commonwealth concurs in the accused being admitted to bail. (For magistrate only.)

☐ Secured bond provision in Virginia Code § 19.2-123 applies [] and is waived with the concurrence of the attorney of the Commonwealth or of the county, city, or town.

Prior charges of failing to appear? A - NO

Is this person likely to obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness, juror or victim? No ☒ Yes ☐

Other information considered: ① Slurred Speech, Strong odor, swaying/stumbling, Cooperative; A state he had consumed alcohol - Refused to Participate in FST - BAC. A was also charged w/ 18.2-308.012.

Bail Set: 2500 UNLS

Special instructions or conditions: also charged w/ 18.2-308.012.

Check if more information is on reverse ☐

10-23-13

Date

FORM DC-327 7/12 (FRONT)

Walter A. Presque
Magistrate Judge